

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

NATIONAL RENAL ALLIANCE, LLC, n/k/a RAI II, LLC,)	
)	
)	
Plaintiff,)	
)	Case No. 11-5813
v.)	
)	
GAIA HEALTHCARE SYSTEMS, LLC,)	Judge Chang
)	
Defendant)	
)	
and)	
)	
MAPLE AVENUE KIDNEY CENTER,)	
)	
Garnishee.)	

MOTION FOR CONDITIONAL JUDGMENT

Pursuant to F.R.C.P 69 and 735 ILCS 5/12-706, Plaintiff/Judgment Creditor National Renal Alliance, LLC n/k/a RAI II, LLC (“NRA”) moves this Court to enter a Conditional Judgment against Garnishee Maple Avenue Kidney Center (“Maple Avenue”) for \$305,729.92 for Maple Avenue’s failure to appear and answer the garnishment served on it on September 29, 2011. NRA also requests that, pursuant to applicable law, the Court issue the summons attached hereto as Exhibit 1 requiring Maple Avenue to show cause why the conditional judgment should not be made final.

NRA acquired a \$305,729.92 judgment against Judgment Debtor Gaia Healthcare Systems, LLC, in the United States District Court for the Middle District of Tennessee and registered the judgment in this Court. This Court issued a garnishment summons to Maple Avenue on September 15, 2011 (*see* Docket Entry No. 4: Non-Wage Garnishment Summons) in connection with the enforcement of NRA’s judgment. Maple Avenue was

served on September 29, 2011. (Affidavit of Process Server attached hereto as Exhibit 2).
Maple Avenue has failed to answer the garnishment or appear before the Court.

Under Rule 69, state law governs the procedures supplementary to and in aid of judgment or execution. State law 735 ILCS 5/12-706 authorizes entry of a Conditional Judgment against a garnishee that fails to respond, and the conditional judgment is followed by a summons requiring the garnishee to show cause why final judgment should not enter. Accordingly, NRA requests that the Court (1) enter a conditional judgment against Maple Avenue in the amount of \$305,729.92 and (2) issue the summons attached as Exhibit 1.

Respectfully submitted,

s/ Tim Harvey
Tim Harvey (*pro hac vice* application
pending)
Riley Warnock & Jacobson, PLC
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Attorney for Judgment Creditor

Joseph Hasman (Bar No. 1151053)
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303 West Madison Street, Suite 1400
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Local Counsel for Judgment Creditor

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following by U.S.
Mail:

Hamid Humayun
Maple Avenue Kidney Center
610 S. Maple Ave. Suite 4100
Oak Park, IL 60304

Kareem Syed
Maple Avenue Kidney Center
610 S. Maple, Ste. 4100
Oak Park, IL 60304

Gaia Healthcare Systems, LLC
c/o Larry C. Fulton (registered agent)
950 S. Cherry St., Ste. 710
Denver, CO 80246

this the 23rd day of November, 2011.

s/ Tim Harvey